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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,397	02/20/2002	Bernarr C. Schaeffer		6716

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EXAMINER

FASTOVSKY, LEONID M

ART UNIT PAPER NUMBER

3742

DATE MAILED: 09/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/079,397

Applicant(s)

SCHAEFFER ET AL.

Examiner

Leonid M. Fastovsky

Art Unit

3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-6, 18 and 26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18 is/are allowed.
- 6) ☒ Claim(s) 2-6 and 26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 3 recites the limitation "to claim 1" in line 1. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perett (2002/0046422) in view of Hjortsberg (4,908,497). Perett discloses a compact sauna (Fig. 1-6) for causing a user to sweat and primary plural infrared heat sources 22 and 68 are provided in close proximity about the user, and heat generated from the heat sources 22 and 68 is subjected to electromagnetic radiation into a sauna room (page 1, [0017]). However Perett does not disclose a low -level of extremely low frequency electromagnetic fields. Hjortsberg discloses two electric heating elements 1 and 2 that can be used in heating panels where the device is brought into proximity with the human body.

Art Unit: 3742

The elements are conventionally powered by alternating current that decreases an electromagnetic field (Fig. 1-4, col.2, lines 51-61). It would have been obvious to one having ordinary skill in the art to modify Perett's invention to include the heating elements of Hjortsberg in order to reduce potential harmful effects of magnetic fields produced by room heating sources.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perett in view of Hjortsberg and further in view of Hochstein (5,649,972).

Perett in view of Hjortsberg teaches substantially the claimed invention, but does not disclose protrusions. Hochstein discloses an apparatus 10 comprising an infrared source 42 and fins-protrusions 70 for providing heat to a user. It would have been obvious to one having ordinary skill in the art to modify the invention of Perett in view of Hjortsberg to include fins-protrusions projecting towards the user as taught by Hochstein and have fins separated by less than a finger width in order to heat the user and prevent him from being hurt by heat when he gets in contact with the heater.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perett in view of Hjortsberg and further in view of Grise et al (4,485,297).

Perett in view of Hjorstberg discloses substantially the claimed invention including a film-substrate disclosed by Hjorsberg (col. 1, lines 5-20), but does not disclose the substrate bearing a semiconductor pattern, a pair of longitudinal stripes and a metallic conductor overlaying each stripe. Grise discloses heaters having a plurality of bars 18 of the semiconductor pattern (col. 4, lines 11-24), a pair of longitudinal stripes 14 interconnected with the bars and a metallic

Art Unit: 3742

conductor 22 overlaying each stripe. It would have been obvious to one having ordinary skill in the art to modify the invention of Perett in view of Hjorsberg to include a plurality of bars, a pair of longitudinal strips and a metallic conductor overlaying each stripe in order to have a high uniformity of heating at reduced cost as taught by Grise (Col. 1, lines 20-25).

3. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perett in view of Hjortsberg and further in view of Hochstein.

Perett in view of Hjortsberg teaches substantially the claimed invention including a plastic inherently electrically insulating film-substrate (col. 1, lines 5-20), but does not disclose protrusions of low heat conducting material. Hochstein discloses an apparatus 10 comprising an infrared source 42 comprising a base 44 to be inherently heated to uncomfortable to touch temperature (Fig. 2-4, lines 22-45) and fins-protrusions 70 fabricated from a material having low thermal conductivity (col. 8, lines 65-67, col. 9, lines 1-10). It would have been obvious to one having ordinary skill in the art to modify the invention of Perett in view of Hjortsberg to include fins-protrusions projecting towards the user as taught by Hochstein and being inherently comfortable to touch even though the base is at uncomfortable temperature.

#### ***Allowable Subject Matter***

4. Claim 18 is allowed.

5. The following is an examiner's statement of reasons for allowance: claim 18 is allowed because the prior art of record does not teach or fairly suggest an

Art Unit: 3742

infrared heater comprising two sets of resistive bars, a base, wherein the base is finned and has valleys between the fins and a panel for spacing the heater is corrugated and its ridges underline corresponding resistive bars.

***Response to Arguments***

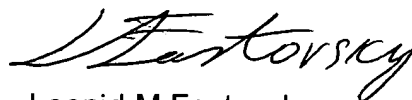
6. Applicant's arguments with respect to claims 2-6 and 26 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid M Fastovsky whose telephone number is 571-272-4778. The examiner can normally be reached on M-Th. 8.00 am -6.00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3742

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Leonid M Fastovsky  
Examiner  
Art Unit 3742

lmf

8/29/05



ROBIN O. EVANS  
PRIMARY EXAMINER

8/29/05